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ASD (I&L)

Department of Defense Directive

SUBJECT: Licensing of Government-Owned Inventions by the
Department of Defense

Refs: (a) Presidential Memorandum and Statement on
Government Patent Policy of August 23, 1971
(36 Federal Register 16887)
(b) Licensing of Government-Owned Inventions
(41 CFR § 101-4)

I. PURPOSE

This Directive establishes policy and assigns responsibility for making Government-owned inventions which are in the custody of the Department of Defense available for licensing.

II. APPLICABILITY

The provisions of this Directive apply to the Military Departments and all other Department of Defense Agencies now or hereafter acquiring property interest in inventions, whether or not patentable.

III. POLICY

A. Reference (a) states that the public interest requires that efforts be made to encourage the expeditious development and civilian use of inventions resulting from work funded by the Government. Reference (a) also provides for the attainment of this goal by express nonexclusive or exclusive licensing of such inventions under regulations prescribed by the Administrator of the General Services Administration. Licensing of inventions, as described above, will be accomplished under licensing procedures and programs consistent with reference (b).

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- B. This statement of policy shall not be construed to create by implication a license under the provisions of 41 CFR 101-4 or upon any other terms. Any such license shall vest only upon the issuance of a formal license document signed by a duly authorized official of the Department concerned.
- C. Inventions in the custody of Department of Defense and considered appropriate for licensing will be so designated and may be listed in official Government publications and in cooperative listings with other Government agencies, or otherwise, to obtain extensive publication and to accelerate transfers of technology to the civilian economy.

IV. RESPONSIBILITIES

- A. Each Military Department and Agency of the Department of Defense having in its custody a portfolio of Government-owned inventions will implement a licensing program consistent with the intent of this Directive and 41 CFR 101-4 (reference (b)), and provide the Assistant Secretary of Defense (Public Affairs) with pertinent information for release to the news media.
- B. The Assistant Secretary of Defense (Installations and Logistics) will ensure uniformity of licensing procedures and programs administered pursuant to A, above, and consistency with references (a) and (b).
- C. The Assistant Secretary of Defense (Public Affairs) shall assist by making information available to the media concerning the availability for licensing of Government-owned inventions in the custody of the Department of Defense.
- D. The Director of Defense Research and Engineering shall assist by establishing a program at the Defense Documentation Center to aid the Department of Defense Departments or other Agencies in promulgating its invention portfolio.

5535.3
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V. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Two copies of licensing procedures required by subsection III. A. shall be forwarded for approval to the Assistant Secretary of Defense (Installations and Logistics) within 90 days.

H. P. Clement
Deputy Secretary of Defense

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